

CHAPTER 33-03-13
CONSTRUCTION STANDARDS FOR RESIDENTIAL FACILITIES FOR THE
PHYSICALLY DISABLED

Section	
33-03-13-01	Definitions
33-03-13-02	Fire Safety
33-03-13-03	Water Supply
33-03-13-04	Sewage Disposal
33-03-13-05	Physical Plant
33-03-13-06	Variance

33-03-13-01. Definitions. In this chapter, unless the context or subject matter requires otherwise:

1. "Ambulatory" means able to walk without assistance.
2. "Department" means the state department of health.
3. "Mobile nonambulatory" means unable to walk without assistance, but able to move from place to place with the use of a device such as a walker, crutches, a wheelchair, or a wheeled platform.
4. "Nonambulatory" means unable to walk without assistance.
5. "Nonmobile" means unable to move from place to place.
6. "Physically disabled" means a mobile nonambulatory, nonambulatory, or nonmobile person.
7. "Residential facility for physically disabled" means a facility of residential character having sleeping space for no more than fifteen physically disabled residents.

History: Effective September 1, 1983.

General Authority: NDCC 6-09.6-04

Law Implemented: NDCC 6-09.6-04

33-03-13-02. Fire safety. Residential facilities for the physically disabled shall:

1. Be located in areas served by a fire extinguishing organization approved by the state fire marshal.

2. Comply with chapter 12 of the 1981 edition of the Life Safety Code. The fire safety evaluation system may be used in the design of a facility and in the evaluation of an existing building.

History: Effective September 1, 1983.

General Authority: NDCC 6-09.6-04

Law Implemented: NDCC 6-09.6-04

33-03-13-03. Water supply.

1. Residential facilities for the physically disabled shall be located in areas where public or private water supplies approved by the department are available. Approved public water supplies shall be used where available.
2. When a private water supply is utilized, water samples shall be submitted to the department and analyzed to determine bacteriological acceptability.

History: Effective September 1, 1983.

General Authority: NDCC 6-09.6-04

Law Implemented: NDCC 6-09.6-04

33-03-13-04. Sewage disposal.

1. Residential facilities for the physically disabled shall be located in areas where public or private sewage disposal systems approved by the department are available. Approved public sewage disposal systems shall be used where available.
2. Plans and specifications for proposed private sewage disposal systems or alteration to such systems must be approved by the department prior to their construction.

History: Effective September 1, 1983.

General Authority: NDCC 6-09.6-04

Law Implemented: NDCC 6-09.6-04

33-03-13-05. Physical plant. Buildings housing a residential facility for the physically disabled shall:

1. Comply with North Dakota Century Code section 48-02-19.
2. Be constructed to accommodate no more than fifteen eligible residents.
3. Be limited in size to three hundred fifty square feet [32.52 square meters] per resident, inclusive of space for two employees of the applicant. Facilities of more than eight resident beds shall be limited to one hundred seventy-five square feet [16.26 square meters] per additional resident bed.

4. Be of modest design minimizing the length of hallways, the number of exterior corners, and complexity of construction.
5. Include provisions for its conversion to an alternate use at a reasonable cost.
6. Provide space for dining, kitchen, family living and recreation, utility, and bedrooms as an integral part of a single structure.
7. Provide these sleeping area standards:
 - a. Require no more than two residents to share a bedroom other than on a temporary basis.
 - b. Provide no less than one hundred square feet [9.29 square meters] of floor area exclusive of bathroom and closet space for single occupancy bedrooms.
 - c. Provide no less than eighty square feet [7.43 square meters] per bed of floor space exclusive of closet and bathroom space in double occupancy bedrooms.
 - d. Locate bedrooms on the outside wall and separate them from other rooms and spaces by walls extending from floor to ceiling.
 - e. Locate bedrooms at or above grade level.
8. Provide at least one full bathroom for every four residents.
9. Be designed to accommodate the resident's privacy with bedrooms and bathrooms arranged to provide separation of male and female residents.
10. Provide sufficient space in the kitchen to permit the participation of residents as well as staff in food preparation. Provide appropriate space and equipment, including a two-compartment sink, to adequately serve the food preparation and storage requirements of the facility.
11. Provide sufficient laundry space to include, in addition to a washer and a dryer, storage for laundry supplies, accommodation for ironing, and counterspace for folding clothing and linens.
12. Provide these staff accommodations:
 - a. Space to accommodate employees, limited to a living room, efficiency kitchen, one full bathroom, and a double occupancy bedroom, when, as a condition of employment, they must live onsite; or

- b. A multipurpose space usable for sleeping for employees serving in shifts.
- 13. Provide sufficient storage, in addition to closet space, to accommodate the storage of out-of-season clothing, outdoor furniture, garden tools, lawnmower, and other equipment.
- 14. Provide a tempering valve, located to preclude resident access, to control the temperature of hot water supplied to lavatories and bathing facilities. The tempering valve shall permit control of temperature in the range of one hundred ten degrees Fahrenheit [47.22 degrees Celsius] to one hundred thirty-five to one hundred forty degrees Fahrenheit [57.22 to 60 degrees Celsius]. Hot water supplied to clotheswashers and dishwashers shall be one hundred thirty-five to one hundred forty degrees Fahrenheit [57.22 to 60 degrees Celsius].
- 15. Be equipped with emergency lighting capable of sustained battery operation, or onsite emergency electrical generation.

History: Effective September 1, 1983; amended effective January 1, 1985.

General Authority: NDCC 6-09.6-04

Law Implemented: NDCC 6-09.6-04

33-03-13-06. Variance. Upon written application, the department may grant a variance from specific provisions of this chapter, except no variance may permit or authorize a danger to the health or safety of residents or impede their normalization process.

History: Effective September 1, 1983.

General Authority: NDCC 6-09.6-04

Law Implemented: NDCC 6-09.6-04